

REMARKS

Applicants have carefully reviewed the office action and the grounds for rejection stated therein. The instant amendments are believed to address all the grounds for rejection and place this application in a condition for allowance. Reconsideration is respectfully requested.

Interview with the Examiner on October 8, 2003

Applicants thank Examiner Lockett for the courtesies shown during a telephone interview on October 8, 2003. Applicants requested that the Examiner clarify the reasons for rejection, and there was no agreement reached as to allowance of any claims.

Amendments to the Claims

Applicants have amended independent claims 1 and 2 to define the invention more clearly. It appears that certain terms are not clearly stated and that was the reason for the rejection. No new matter is added as a result of these amendments.

In claim 1, Applicants have clarified that the seven (7) notes that are selected for the *thata* are selected from the twelve (12) notes that are defined in the Specification, at p. 4, ll. 14-15. This information is added to the claim language to clarify it. The set of subsets of the notes that are used to create the *thata* are evident form from Fig. 1.

In claim 2, Applicants have incorporated the language of the (currently amended) claim 1 and further clarification is provided by explaining that the at least five (5) notes in the ascending and descending sets of notes (*aaroha* and *avaroha*) are selected by fixing the note *Sa* and selecting the remaining four (4) from the selected seven (7) notes in the defined *thata*. Support for this change is available in the Specification, see p. 4, l. 18, ("Importantly, the notes *SA* and *PA* are mandatory in every *thata* created").

Further, that the primary note is one that appears most frequently and the secondary note is one that is four or five positions away from the primary note are mentioned in the Specification at p. 4, l. 27 to p. 5, l. 1.

Rejection of claims 1-5 under 35 U.S.C. § 112

The Examiner rejected all pending claims under 35 U.S.C. § 112. In view of the amendments herein with the language clarification which particularly points out and distinctly claims the features Applicants regard as their invention, Applicants believe that this rejection is overcome.

Rejection of claims 1, 4 and 5 under 35 U.S.C. § 103(a) over Coonce in view of Dinnan, et al.

The Examiner rejected claims 1, 4 and 5 under 35 U.S.C. § 103(a) over Coonce in view of Dinnan, et al. Coonce discloses a method of teaching music and Dinnan discloses a method of teaching Eastern music. Neither Coonce nor Dinnan, however, teaches the method of creating a *thata* (claim 1) wherein 7 notes out of a possible 12 notes are selected from the set {*SA*, *re*, *RE*, *ga*, *GA*, *ma*, *MA*, *PA*, *dh*, *DH*, *ni*, *NI*}, wherein only one form of a variable *swara* from each of the set of subsets in the set {{*RE*,*re*}, {*ga*, *GA*}, {*ma*, *MA*}, {*dh*, *DH*}, {*ni*, *NI*}} is selected, and wherein the positions of notes *Sa* and *Pa* are fixed.

In view that these features are not taught, specified or disclosed either Coonce or Dinnan, and in further view that Coonce or Dinnan individually or in combination do not motivate or suggest one of ordinary skill in the art to combine with each other to arrive at the presently claimed invention, the claims 1, 4 and 5 are believed to be patentable over the cited art. Reconsideration is requested.

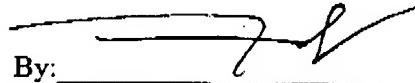
Rejection of claims 2 and 3 under 35 U.S.C. § 103(a) over Moberg in view of Dinnan, et al.

Moberg is a method of teaching music by selecting notes of a chromatic scale thereby producing a melody. As stated above, Dinnan is a method of teaching Eastern Music, but does not contemplate or suggest to one skilled in the art the method of creating a *thata* and from the *thata*, a *raag* by selecting the notes as claimed in claim 2. Claims 3-5 are believed to be patentable in view that they depend from an independent claim 2, which is believed to be patentable. Applicants request reconsideration.

Conclusion

In view of the foregoing amendments and remarks, Applicants request reconsideration and an early notice of allowance.

Respectfully Submitted,


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